

REMARKS

Claims 11, 14, 59-62 are pending. Claims 11, 59, and 60 have been amended. Claims 61 and 62 have been added.

The Pending Claims Contain No New Matter

Claim 59 was rejected under section 11, first paragraph as allegedly reciting new matter for reciting SEQ ID NO:35. Claim 59 has been amended to recite SEQ ID NO:11, which is the amino acid sequence encoded by claimed SEQ ID NO:10. This amendment resolves the issue raised by the Examiner.

The Pending Claims are Definite

Claim 59 was rejected as allegedly being indefinite. The amendment discussed above renders this rejection moot.

Claim 60 was also rejected as allegedly being indefinite because of a typographical error. Applicants have corrected this oversight and have added new claims 61 and 62 which serve to further describe the vectors contemplated as falling within the scope of the claims. Support for the new claims is found, for example, on page 40 of the specification.

The Pending Claims are Novel

Claims 11, 14, 59, and 60 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by SEQ ID NO:565 of U.S. Patent Application Publication No. 2006/0003323. Applicants respectfully disagree.

Applicants compared the amino acid sequence encoded by SEQ ID NO:565 and that of SEQ ID NO:8. The comparison is provided as Exhibit A. As can be seen from the figure, while the two sequences are substantially similar, they differ at residues 382 to 393, inclusive. As such, the polynucleotide sequence of SEQ ID NO:565 does not comprise the nucleotide sequence of SEQ ID NO:8 from 23-1210. Moreover, the amino acid sequence encoded by SEQ ID NO:565 does not share identity with the polypeptide of SEQ ID NO:9. Applicants request that the present rejection be withdrawn in view of the differences between the claimed subject matter and the prior art.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 511582005020. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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